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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,090	07/21/2003	Shawn E. Edmondson	6186.4-1-1	6007

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EXAMINER

CHANG, JUNGWON

ART UNIT PAPER NUMBER

2154

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,090

Applicant(s)

EDMONDSON, SHAWN E.

Examiner

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-22 and 25-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-22 and 25-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/18/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to amendment filed on 03/04/2005. Claims 1, 15, 23, and 24 are canceled, and claims 25-43 are newly added. Claims 1-14, 16-22 and 25-43 are presented for examination.
2. Claim 27 is objected to because the following informalities:
Line 2, "the one or more the one or more traffic" should be "the one or more traffic"
Appropriate correction is required.
3. Claim 38 is objected to because it is improperly dependent on claim 39 (a claim cannot dependent on later claim). Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 25, 26, 31-33, 41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Fichou et al. (US 6,072,773), hereinafter Fichou.

6. As to claims 25 and 41, Fichou discloses the invention as claimed, including a programmable device storing instructions that, when read by the programmable device, cause the programmable device to perform a method (col. 28, lines 24-49) comprising:

generating from one or more traffic descriptors (col. 3, line 36 – col. 4, line 27) non-Boolean configuration information for a network element (400, 401, fig. 4; reserving bandwidth; col. 4, lines 41-64; col. 6, line 31 – col. 7, line 58; col. 14, line 66 – col. 15, line 1), the one or more traffic descriptors describing packetized traffic to be transmitted over a packet network using at least in part Boolean expressions on primitive network predicates (402, 500, 600, fig. 4; figs. 5-11; abstract; col. 1, line 65 – col. 2, line 5; col. 15, lines 3-7; col. 15, line 57 – col. 16, line 35; col. 16, line 50 – col. 17, line 7);

causing configuration of the network element using the non-Boolean, configuration information (col. 2, line 7-52; col. 3, lines 20-30; col. 4, lines 41-64; col. 8, lines 14-30).

7. As to claim 26, Fichou discloses wherein the primitive network predicates include one or more of the following: transmission protocol; source address, destination address, source ports, destination ports, precedence value and type of service (packet header inherently has a routing information, such as protocol information, source IP address, destination IP address, source port number, destination port number, quality of service; col. 1, lines 57-63; col. 6, lines 14-30).

8. As to claims 31-33, Fichou discloses the configuration information includes an

access list (col. 8, lines 1-30; col. 4, lines 41-64; col. 9, lines 18-67; col. 10, lines 1-42).

9. As to claim 42, it is rejected for the same reasons set forth in claim 26.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-14, 16-22, 27-30, 34-40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fichou et al. (US 6,072,773), hereinafter Fichou, in view of Wang et al. (US 6,636,505).

11. As to claim 34, Fichou discloses the invention as claimed, including a method for generating configuration information, comprising:

generating one or more traffic descriptors (col. 3, line 36 – col. 4, line 27), the one or more traffic descriptors describing packet using at least in part Boolean expressions on primitive network predicates (402, 500, 600, fig. 4; figs. 5-11; abstract; col. 1, line 65 – col. 2, line 5; col. 15, lines 3-7; col. 15, line 57 – col. 16, line 35; col. 16, line 50 – col. 17, line 7);

causing configuration of the network element using the non-Boolean,

configuration information (col. 2, line 7-52; col. 3, lines 20-30; col. 4, lines 41-64; col. 8, lines 14-30).

12. Fichou discloses generating one or more traffic descriptors (col. 3, line 36 – col. 4, line 27), the one or more traffic descriptors describing packetized traffic to be transmitted over a packet network (402, 500, 600, fig. 4; figs. 5-11; abstract; col. 1, line 65 – col. 2, line 5; col. 15, lines 3-7; col. 15, line 57 – col. 16, line 35; col. 16, line 50 – col. 17, line 7); and traffic policies (traffic policy that inherently include a high-level description; col. 4, lines 41-64; col. 9, lines 18-52). However, Fichou does not specifically disclose application profile containing a high-level description of treatment of packets originating from the application for transmission over a network. Wang discloses application profile containing a high-level description of treatment of packets originating from the application for transmission over a network (col. 8, line 64 – col. 9, line 2; col. 9, lines 22-55; col. 11, lines 37-67; col. 28, line 66 – col. 29, line 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fichou and Wang because Wang's application profile would improve the quality of service by routing the packet with best path which optimizes a cost of the network.

13. As to claims 27-29, they are rejected for the same reasons set forth in claim 34 above.

14. As to claim 30, Fichou discloses the plurality of applications are associated with a single service plan on a network, to which the network element belongs (col. 8, lines 1-30; col. 4, lines 41-64; col. 9, lines 18-67; col. 10, lines 1-42).

15. As to claims 35 and 39, they are rejected for the same reasons set forth in claim 34 above.

16. As to claims 36-38, Fichou discloses the configuration information includes an access list (col. 8, lines 1-30; col. 4, lines 41-64; col. 9, lines 18-67; col. 10, lines 1-42).

17. As to claim 40, Fichou discloses wherein the primitive network predicates include one or more of the following: transmission protocol, source address, destination address, source ports, destination ports, precedence value and type of service (packet header inherently has a routing information, such as protocol information, source IP address, destination IP address, source port number, destination port number, quality of service; col. 1, lines 33-40; col. 6, lines 14-30).

18. As to claim 43, it is rejected for the same reasons set forth in claim 34 above.

19. As to claim 4, Fichou discloses the invention substantially as claimed, including a method comprising:

receiving a policy specifying a quality of service (QoS) treatment for packets for

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at least one application in one or more packet networks (col. 4, lines 41-64; col. 9, lines 18-32; col. 23, line 56 – col. 24, line 29);

automatically generating configuration information for one or more network elements of said one or more packet networks for treatment of the packets for the at least one application according to said specified QoS treatment (col. 2, lines 7-52; col. 3, lines 20-30; col. 4, lines 41-64; col. 8, lines 14-30);

automatically generating at least one traffic descriptor for said application based at least in part on said policy (col. 3, line 36 – col. 4, line 27; col. 5, lines 1-4; col. 9, lines 18-32).

20. Fichou discloses a policy (col. 4, lines 41-64; col. 9, lines 18-32). However, Fichou does not specifically use a term “profile”. Wang discloses disclose a profile (col. 8, line 64 – col. 9, line 2; col. 9, lines 22-55; col. 11, lines 37-67; col. 28, line 66 – col. 29, line 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fichou and Wang because Wang’s profile would improve the quality of service by routing the packet with best path, which optimizes a cost of the network.

21. As to claims 2 and 3, Fichou discloses updating a configuration of said one or more network elements based at least in part on said configuration information (col. 12, lines 20-60).

22. As to claim 5, it is rejected for the same reasons set forth in claim 4 above.

23. As to claims 6, 7 and 9-11, Fichou discloses the configuration information includes an access list (col. 8, lines 1-30; col. 4, lines 41-64; col. 9, lines 18-67; col. 10, lines 1-42) comprising: at least one clause comprising one or more network criteria; and at least one match rule specifying whether said one or more packets matching said one or more network criteria are to be permitted or denied (col. 4, lines 16-27; col. 9, lines 5-17).

24. As to claim 8, Fichou discloses network criteria is selected from the group consisting of protocol, source address, destination address, source ports, destination ports, precedence value and type of service (packet header inherently has a routing information, such as protocol information, source IP address, destination IP address, source port number, destination port number, quality of service; col. 1, lines 57-63; col. 6, lines 14-30; col. 4, lines 16-27; col. 12, lines 20-60).

25. As to claims 12-14, Fichou discloses service plane selection is selected from the group consisting of a normal service plane, a low priority data service plane, a medium priority data service plane, a high priority data service plane, a reserved bandwidth service plane, a video service plane, and a voice service plane (col. 1, lines 26-63; col. 3, line 36 – col. 4, line 27).

26. As to claims 16-21, they are rejected for the same rejection set forth in claim 4

above.

27. As to claim 22, it is rejected for the same rejection set forth in claim 8 above.

28. Applicant's arguments, see pages 8-9, filed on 3/4/2005, with respect to the rejection(s) of claim(s) 2-14 and 16-22 under 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Fichou et al. (US 6,072,773), and Wang et al. (US 6,636,505).

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "JWC".

JWC
June 12, 2005